



2018 – 2021 STRATEGIC PLAN

Finalized February 6, 2017

ORGANIZATIONAL HISTORY

In 2001, the National Sea Grant Office issued a Request for Proposals for “the creation of a law center to coordinate and enhance Sea Grant’s activities in legal scholarship and outreach related to coastal and ocean law issues.” The University of Mississippi School of Law successfully competed to serve as the host institution for the National Sea Grant Law Center (NSGLC), which was officially launched in 2002. For over a decade, the NSGLC has fulfilled its five major responsibilities: (1) integrating the efforts of ocean and coastal law researchers and users in the Sea Grant network nationwide; (2) conducting research on current ocean, coastal, and Great Lakes law issues; (3) providing outreach and advisory services to the Sea Grant network and coastal constituents; (4) disseminating information and analysis through periodic workshops and conferences as well as publications, and (5) serving as a focal point for Sea Grant’s law-related issues and promoting the growth and development of a Sea Grant legal network.

The NSGLC is a nationally recognized and respected resource for information on ocean, coastal, and Great Lakes law. Law Center attorneys contribute to the field of ocean and coastal law and policy through the analysis of current issues and the publication of their research results. In addition, Law Center attorneys respond to research requests from the legal community, Sea Grant College Programs, and state and federal agencies located across the country. The NSGLC organizes and participates in continuing education programs, conferences, and symposia that serve to educate policy makers, practitioners, and laypersons on issues of coastal, ocean, and Great Lakes resource policy issues. The NSGLC’s quarterly newsletter, *The SandBar*, and monthly *Ocean and Coastal Case Alert* inform subscribers about new court cases and legislation affecting coastal resource management. Finally, the NSGLC website is a source of critical information about ocean and coastal law and is a tool for the integration of law and policy into the National Sea Grant network.

STRATEGIC PLANNING PROCESS

The National Sea Grant Law Center solicits input to inform strategic planning on an ongoing basis. Stakeholders are continuously engaged in a number of ways. Priority is placed on soliciting input from the wider Sea Grant network through attendance at all regional (i.e., Great Lakes, Northeast, Mid-Atlantic) and network (e.g., Sustainable Coastal Development, Fisheries Extension, Climate) meetings throughout the year. These meetings provide opportunities for Sea Grant personnel across the country to provide feedback on NSGLC initiatives and projects and offer recommendations for future work. The National Sea Grant Law Center's Advisory Committee also provides valuable guidance in identifying research and outreach priorities, as well as strategic partnerships and initiatives.

For the 2018-2021 strategic planning cycle, the Law Center started the planning process by evaluating progress towards achieving goals and outcomes identified in the 2014-2017 Strategic Plan. For goals that were not achieved, NSGLC staff conducted a relevancy review based on stakeholder input gathered through attendance at Sea Grant meetings throughout 2016. Stakeholder input, primarily formal and informal requests for information, was also used to identify emerging needs. The NSGLC then outlined priority activities for each the four focus areas identified in 2018-2021 National Sea Grant Network Strategic Plan.

One of the emerging needs identified through the strategic planning process was access to information on the laws and policies governing water resources. The nation's water resources are under significant stress as a result of pollution, over-utilization, drought, and climate change. The legal regimes that have developed in the United States to manage water resources are complex and heavily litigated. The National Sea Grant Law Center anticipates a significant increase in the number of advisory requests related to water resources in the coming years. A strategic decision was made to shift our historic focus under the Resilient Communities and Economies Focus Area away from working waterfronts and hazards to water resources to ensure adequate staff capacity and programmatic resources are available to meet these emerging needs.

HOW THE NATIONAL SEA GRANT LAW CENTER WORKS

PROGRAM'S VISION

The National Sea Grant Law Center envisions ecosystems and communities supported by scientists, extension agents, educators, elected officials, government employees, and private citizens and other members of the diverse Sea Grant network who are knowledgeable of the legal framework governing the use of ocean, coastal, and Great Lakes resources and capable of engaging in policy discussions on the local, state, and federal levels.

PROGRAM'S MISSION:

Sea Grant's mission is to enhance the practical use and conservation of coastal, marine and Great Lakes resources in order to create a sustainable economy and environment. The National Sea Grant Law Center helps fulfill this national mission by implementing integrated legal programming based on the three legs of the Sea Grant “stool” – research, education, and outreach, which includes extension and communications. The National Sea Grant Law Center also works to build the legal capacity of individual Sea Grant Programs.

PROGRAM'S CORE VALUES:

The National Sea Grant Law Center strives to implement all programming in a manner that is:

- *Visionary* - Advance innovative law and policy solutions that address emerging challenges (science and stewardship) and encourage creativity, initiative, and innovation.
- *Collaborative* – Seek partnerships that leverage our strengths. Be responsive and accessible, respect partners, maintain neutrality, integrate diverse expertise, and provide the science and knowledge needed to inform stakeholders.
- *Dedicated to Sustainability* - Communicate the importance of good stewardship and the value of the services that the coastal, ocean, and Great Lakes' ecosystems provide to the Nation.
- *Accountable* - operate with integrity and transparency; maintain quality and relevance in administration, management and oversight.

PROGRAM'S CORE COMPONENTS:

Research:

NSGLC attorneys conduct scholarly research on a variety of topics of importance to the Sea Grant Network and its constituents. Research topics may be selected for a number of reasons, including identification of an issue as a priority in the National Sea Grant Strategic Plan or by a Sea Grant constituent. NSGLC research is routinely published in specialty law journals around the country.

The National Sea Grant Law Center also contributes to the legal literature through its publication of the *Sea Grant Law and Policy Journal*. In 2008, the NSGLC re-launched the *Journal*, which had previously been published by the State University of New York at Buffalo from 1976-1980. The *Sea Grant Law and Policy Journal* is an Open Access online journal that provides a forum for the timely discussion and exploration of legal topics of relevance to the Sea Grant network of extension agents, researchers, coastal managers and users, and local decision-makers. Each year, the NSGLC sponsors two academic

symposia hosted by a Sea Grant program and a partner law school on an important ocean or coastal law and policy topic that aligns with a National Sea Grant focus area. The symposia proceedings, which usually consist of 5-6 articles written by academics, practicing attorneys, and students, are then published in a special issue of the *Sea Grant Law and Policy Journal*.

Education:

Due to its location at the University of Mississippi School of Law, the National Sea Grant Law Center enhances the formal education of law students at its institution and around the country through specialty coursework and a Research Assistant Program. The NSGLC director teaches a foundational course, Coastal and Ocean Law, each spring and NSGLC attorneys teach a variety of seminars each semester. Although the seminar topics vary, the seminar has traditionally been used as a vehicle for exposing students to natural resources law.

In addition to formal coursework, the NSGLC contributes to the education of law students through its Research Assistant (RA) program. The NSGLC routinely hires second- and third-year law students to write articles for NSGLC publications and to provide research assistance on advisory requests and other NSGLC projects. Students generally work 10-15 hours per week for hourly wages, although some students have volunteered their services to the NSGLC in exchange for academic credit. During the summer, the NSGLC offers a full-time 8-week summer internship which immerses the selected student in ocean and coastal law research. The majority of RAs are University of Mississippi School of Law students, but NSGLC summer interns are often enrolled at other law schools. The NSGLC works with an average of 3-4 law students each year.

Extension:

The NSGLC's primary extension activity is its Advisory Service. The Advisory Service is a non-advocacy legal research service provided free of charge to the Sea Grant College Program and its constituents, which include federal and state environmental and natural resource agencies. The majority of requests are submitted by Sea Grant extension agents seeking to answer a stakeholder's question or enhance their extension programming. Through the Advisory Service, NSGLC attorneys help decision-makers and resource users understand the existing legal framework governing coastal and ocean resources; highlight gaps, overlaps, and conflicts in the legal framework that should be addressed; and contribute to policy change on a local, state, and national level.

The advisory request process proceeds as follows. First, a constituent (federal or state management agency, Sea Grant extension agent, etc.) contacts the Law Center. The Law Center attorneys then work with the constituent to identify the discrete legal question and the type of final product needed. If a request is received from a state agency or non-profit organization, the Law Center notifies the relevant Sea Grant program to solicit input and engage extension agents. Advisory requests are not accepted directly from private citizens; such requests must be made through the state Sea Grant program. The NSGLC does not prioritize requests from a Sea Grant program. The only selection criterion is that it be relevant to the individual Sea Grant program's work and aligned with the National Sea Grant College Program Strategic Plan (i.e., falls within one of the four Focus Areas). Requests received from NOAA, federal agencies, state agencies, and non-profit organizations are accepted if staff time is available and relevant to the NSGCP Strategic Plan on a first-come, first-serve basis.

Legal research results may be provided to the requesting entity in a variety of formats, including response letters, fact sheets, white papers, conference/workshop presentations, and newsletter articles. The NSGLC averages 10-12 Advisory Requests per year on a wide range of topics.

Communications:

The NSGLC's primary communication tool is its website (<http://nsglc.olemiss.edu/>). The NSGLC website provides information on NSGLC's current projects and houses an archive of all NSGLC products and publications, including Advisory Request memos. In addition, the NSGLC produces a number of publications that disseminate information on developing issues in ocean and coastal law. Our quarterly newsletter, *The SandBar*, is produced for our Sea Grant constituents who are primarily non-attorneys. NSGLC attorneys and research assistants write the articles for *The SandBar*, which cover a range of topics from recent court cases, legislative enactments, and regulatory changes. Our monthly *Ocean and Coastal Case Alert* email service provides summaries of and links to federal and state court opinions related to ocean and coastal law.

Building Capacity:

One of the major responsibilities of the NSGLC, as set forth by the National Sea Grant Office in its original request for proposals to create a law center, is to promote the growth and development of a Sea Grant legal network. As the result of NSGLC leadership and work with the Sea Grant Association (SGA), the Sea Grant Legal Network was formally established as an official network recognized by the SGA in 2009. The SGLN consists of the recognized law and policy programs within the Sea Grant network and attorneys employed by or receiving on-going funding support from a Sea Grant Program to work on law and policy issues. At its establishment, seven Sea Grant programs were represented in the Sea Grant Legal Network, including the five core members – the National Sea Grant Law Center and the four state legal programs (Rhode Island, North Carolina, Mississippi-Alabama, and Louisiana) and two associate members funded by the Florida and Hawaii Sea Grant programs.

Since its initial establishment, the number of Sea Grant programs represented within the Network has grown to twelve, with the addition of Associate Members from Georgia, New York, Oregon, Virginia, and Washington Sea Grant. The National Sea Grant Law Center will continue to actively participate in the Sea Grant Legal Network and encourage Sea Grant programs to seek out partnerships with law schools in their states. These partnerships can be facilitated by the sharing of information about the organizational structure of existing legal programs and by funding of symposia and other projects that provide the foundation for the development of working relationships.

While the Sea Grant Legal Network is growing, the majority of Sea Grant programs remain without a formal legal program or a full-time legal extension specialist. Given the ever-increasing technical assistance needs of coastal communities and the current budget climate, few Sea Grant programs can justify allocating scarce resources to launch new law and policy programs. The NSGLC enables Sea Grant programs without the in-house legal resources to increase knowledge of legal frameworks, reduce conflicts, and influence policy in their states and regions. Through its advisory service, publications, and workshops, the NSGLC increases the capacity of the individual Sea Grant programs to address legal issues in their states and regions.

CROSS-CUTTING PRINCIPLES:

The National Sea Grant Law Center will strive to address two specific areas that deserve the Sea Grant Network's attention to enhance the National Sea Grant College Program's capabilities in order to meet future national needs. In the course of implementing its 2018-2021 Strategic Plan, the National Sea Grant Law Center will:

- **Cultivate Partnerships** by integrating the expertise and capabilities of partners from the international, federal, tribal, and state communities and from academia, nongovernmental organizations, and industry.
- **Enhance Diversity and Inclusion** by seeking and welcoming diverse perspectives in order to enhance cultural understanding and enable the network to pursue its vision and mission effectively and efficiently.

STRATEGIC GOALS AND OBJECTIVES

To help the nation understand, manage, and use its coastal resources wisely, the National Sea Grant College Program has identified four focus areas central to what Sea Grant does. The focus areas are:

1. Healthy Coastal Ecosystems
2. Sustainable Fisheries and Aquaculture
3. Resilient Communities and Economies
4. Environmental Literacy and Workforce Development

In addition to establishing goals for each of the focus areas, the National Sea Grant Law Center has developed a foundational cross-cutting programmatic goal that supports all other goals. The National Sea Grant Law Center's research, education, and outreach activities over the next four years will align with the national goals within each of these focus areas in the following ways. The NSGLC's estimated level of effort with respect to each focus area is: Healthy Coastal Ecosystems (30%), Sustainable Fisheries and Aquaculture (30%), Resilient Communities and Economies (30%), and Environmental Literacy and Workforce Development (10%).

Cross-cutting Programmatic Goal: Facilitate informed policy- and decision-making by Sea Grant constituents to improve management of the nation's ocean, coastal, and Great Lakes resources.

Objective 1: Provide information to Sea Grant programs and constituents on federal and state laws, regulations, and policies related to coastal, ocean, and Great Lakes resources.

- 1.1. Produce and distribute sixteen issues (four per year) of *The SandBar*, the legal reporter of the National Sea Grant Law Center;
- 1.2. Produce and distribute 48 issues (twelve per year) of the *Ocean and Coastal Case Alert*;
- 1.3. Produce and distribute eight issues (two per year) of the *Sea Grant Law and Policy Journal*. At least four of the eight issues will feature articles from symposiums funded by the NSGLC through a competitive process.
- 1.4. Organize and host a monthly webinar series to disseminate information about legal developments and NSGLC products.

Outcome: Increased stakeholder awareness and understanding of developing ocean, coastal, and Great Lakes legal issues.

Objective 2: Provide legal research and advisory services to the National Sea Grant Office, the Sea Grant College Programs, and their constituents.

- 2.1. Present research findings and information about NSGLC services at least 20 (5 per year) national and regional Sea Grant networking meetings, including the Sea Grant Association spring and fall meetings and the meetings of the New England, Mid-Atlantic, and Great Lakes Regional Sea Grant networks.
- 2.2. Fulfill a minimum of 40 advisory requests (10 per year). It is anticipated that requests will involve legal research questions relating to all four Sea Grant focus areas.

Outcome: Sea Grant extension agents or constituents routinely utilize the NSGLC's Advisory Service to address legal research needs.

Outcome: Reduction in legal barriers, both real and perceived, to the implementation of Sea Grant programming.

Objective 3: Increase the capacity of individual Sea Grant programs to address ocean and coastal legal issues in their respective states.

- 3.1. Run a competitive process to solicit and fund proposals from Sea Grant programs to host the *Sea Grant Law and Policy Journal* symposiums. To be eligible for the mini-grant (approx. \$10,000), the Sea Grant program must partner with a law school in their state and demonstrate that the symposium would fill a gap in the law and policy literature to address one of the National Sea Grant College Program's four strategic planning focus areas. Up to two proposals may be funded per year, based upon the recommendations of the *Journal's* Editorial Board.
- 3.2. Support the efforts of individual Sea Grant programs to develop legal programs by disseminating information on the organization and funding of the four existing Sea Grant legal programs and identifying potential law school partners, as requested.
- 3.3. Actively participate in the Sea Grant Legal Network by providing leadership, contributing to Sea Grant Legal Network initiatives, and recruiting new members.

Outcome: Increased visibility of Sea Grant law and policy programming.

Outcome: Increased number of Sea Grant programs actively involved in the Sea Grant Legal Network due to the hiring of new law and policy specialists or development of new partnerships.

Outcome: Sea Grant programs work to address coastal, ocean, and Great Lakes law and policy issues of concern in their states.

Healthy Coastal Ecosystems Program Goal: Land, water, and living resources are managed by applying sound science, tools, and services to sustain ecosystems.

Objective 4: Support the development and implementation of effective state laws, regulations, and policies to prevent the introduction and spread of aquatic invasive species.

- 4.1. Continue working with the regional panels of the Aquatic Nuisance Species Task Force and other partners, including the Association of Fish and Wildlife Agencies and the U.S. Fish and Wildlife Service, to enhance coordination and cooperation among states to address aquatic invasive species risks.
- 4.2. Organize or co-sponsor a minimum of two workshops for Assistant Attorneys General, AIS Coordinators, law enforcement personnel, and federal partners to facilitate interstate conversations regarding inconsistencies, overlaps, and gaps in state legal regimes and mechanisms to address identified concerns.
- 4.3. Conduct research on aquatic invasive species laws, regulations, and policies to support state and federal efforts to harmonize legal regimes governing aquatic invasive species pathways.

Outcome: Increased participant understanding regarding the existing legal framework governing aquatic invasive species prevention and control and key gaps, overlaps, and conflicts.

Outcome: Federal and state resource managers and policy-makers take action to reform invasive species laws, regulations, or policies to address identified gaps, overlaps, and conflicts.

Sustainable Fisheries and Aquaculture Program Goal: Natural resources are sustained to support fishing communities and industries, including commercial, recreational, and subsistence fisheries, and aquaculture.

Objective 5: Provide legal research and outreach services that increase knowledge of the legal framework governing U.S. fisheries.

- 5.1. Raise awareness among NMFS headquarters and regional office staff about the NSGLC products and services related to fisheries management to encourage the submission of advisory requests, facilitate collaborative projects and grant proposals, and identify conference and workshop presentation opportunities.
- 5.2 Pursue opportunities to share NSGLC research and products with the regional Fishery Management Councils.

Outcome: Increased understanding of the legal framework governing marine and Great Lakes fisheries.

Objective 6: Develop and deliver timely and objective research and information related to aquaculture and food law.

- 6.1. Continue working with the National Agricultural Law Center and the Agricultural and Food Law Consortium to produce and disseminate legal research and information related to marine and freshwater aquaculture operations to the nation's vast agricultural community of producers, attorneys, state and federal policymakers, Cooperative Extension Service and Sea Grant Extension professionals, and others at the local, state, regional, and national levels.
- 6.2 Work with Sea Grant programs to address aquaculture issues in their states through presentations on relevant laws and policies, the development of research and outreach publications, and the organization of workshops.

Outcome: Sea Grant constituents have increased access to timely information on legal developments affecting marine and freshwater aquaculture operations.

Outcome: Increased understanding of the legal framework governing marine and freshwater aquaculture operations.

Resilient Communities and Economies Program Goal: Water resources are sustained and protected to meet existing and emerging needs of the communities, economies, and ecosystems that depend on them.

Objective 7: Develop and disseminate legal research products and services that improve understanding of the legal framework governing the nation's water resources.

- 7.1. Conduct legal research on critical water quality issues, including harmful algal blooms and contaminants in drinking water, to increase understanding of the current legal framework and inform policy discussions on necessary reforms.
- 7.2. Conduct legal research on critical water quantity issues, including access to water resources, effect of climate on water resources and ecosystems, and other issues facing Great Lakes and coastal areas such as saltwater intrusion in aquifers.
- 7.3. Develop a publication series (e.g., fact sheets) on water law to increase awareness and understanding of the legal history and structure of surface and groundwater management in the United States.
- 7.4. Contribute to the interdisciplinary study of water resource management in Mississippi through participation in the Mississippi Water Security Institute hosted by the University of Mississippi Sally McDonnell Barksdale Honors College.

Outcome: Increased understanding of federal, state, and local laws and policies enacted to protect water quality and quantity.

Outcome: Sea Grant constituents have increased access to timely information on legal developments related to water quality and quantity issues.

Environmental Literacy and Workforce Development Program Goal: A diverse and skilled workforce is engaged and enabled to address critical local, regional, and national needs.

Objective 8: Provide law students with educational and professional experiences and training related to ocean and coastal law.

- 8.1. Offer a minimum of two courses per year at the University of Mississippi School of Law, including the foundational Coastal and Ocean Law course.
- 8.2. Continue the NSGLC's Ocean and Coastal Law Fellowship Program at the University of Mississippi School of Law. This fellowship program is the only one in the nation focused exclusively on ocean and coastal legal issues.
- 8.3. Provide a minimum of 8 second- and third-year law students from The University of Mississippi School of Law with training in writing and research on coastal, ocean, and Great Lakes legal issues through the NSGLC's Research Assistant Program.
- 8.4. Provide a minimum of 4 second- or third-year law students from other law schools with training through the NSGLC's Summer Research Assistant Program.
- 8.5. Continue to pursue the establishment of an ocean and coastal law certificate program. *(Leadership changes at the UM School of Law during the previously planning cycle delayed progress toward this goal.)* The University of Mississippi School of Law is one of only a handful of schools (including the University of Oregon, University of California, Berkeley, Roger Williams School of Law, and the University of Florida) to offer students specialized training in this complex field. While many schools have environmental certificate programs, no law school currently offers an ocean and coastal law certificate. If approved by the UM faculty, the NSGLC's Ocean and Coastal Law Certificate would consist of four required courses (coastal law, ocean resource management or admiralty law, environmental law, and

administrative law) (12 credit hours) and 9 credit hours of elective courses. In addition, students would be required to complete an externship/internship placement (3 credit hours) and an Independent Study in Ocean and Coastal Law (3 credit hours), for a total of 27 credit hours.

Outcome: The University of Mississippi School of Law, due to the presence of the NSGLC, is recognized as a leading academic institution for law students and recent graduates seeking to specialize in the field of ocean and coastal law.

Outcome: Law students receive valuable practical experience and training through NSGLC courses and the RA Program.